

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department - Khammam District – Revision Petition filed by Sri Barla Rosaiah S/o Peda Ramulu (Non-Tribal) R/o Danthelabora Village, Palvancho Mandal, Khammam District against the orders of the Addl. Agent to Govt., Bhadrachalam in CMA No. 99/2005 dated: 22-9-2007 –Dismissed - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 23

Dated: 29-04-2017

Read the following:-

- 1) Revision Petition filed by Sri Barla Rosaiah S/o Peda Ramulu (Non-Tribal) R/o Danthelabora Village, Palvancho Mandal, Khammam District dated 27.11.2007.
- 2) Govt.Memo.No.8568/LTR.2/2007, dated 04.02.2008.
- 3) From the Addl. Agent to Government, Bhadrachalam Lr.No.RP.No.8568/LTR-2/07-1, dt. 02.02.2009.

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ORDER

In the reference 1st read above, Sri Barla Rosaiah S/o Peda Ramulu R/o Danthelabora (v) of Palvancho (m), Kothagudem District filed Revision Petition aggrieved by the orders of Addl.Agent to Govt Bhadrachalam in CMA.No.99/2005 Dt:22.09.2007 in respect of land in Survey No. 290/VU to an extent of Acres 0.20 gts. and in Sy.No.290/VUU, to an extent of 1.30 gts total extent of Acres 2.10 gts. Situated at Danthelabora Village, Palvancho Mandal, Khammam District.

2. In the reference 3rd read above, the Project Officer & Addl. Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records to Government.

3. The Brief facts of the case is as follows:-

- This case is initiated on a report of the Spl. Deputy Tahsildar (TW) Bhadrachalam in LTR case No. 258/04/PVC between Sri Sayed Akbar and another as petitioner and Barla Rosaiah as Respondent (both as Non-Tribals).
- After due verification of the records, Special Dy. Collector (TW), Bhadrachalam has observed that as per the evidence placed before the court of the Special Dy. Collector (TW), Bhadrachalam, it is proved that the transfer of immovable property belonging to the Non-Tribal (petitioner herein) was made to another Non-tribal in contravention of the sub-section I of the Section -3 as laid in the Andhra Pradesh (Scheduled Areas) Land Transfer Regulation 1959 read with the Regulation I of 1970 after commencement of the said Regulation and as such it is null and void.
- In view of the above, the Special Dy. Collector (TW), Bhadrachalam has passed ejectment of the respondent or whomever is in possession of the immovable property in Survey No. 290/VU to an extent of 0-20 acres and Survey No. 290/VUU to an extent of 1-30 acres (Total 2-10 acres) in Dantalabora village and direct that the immovable property in question be taken into Govt. Custody under cover to panchanama and assign the same to the eligible Tribals, as per the rules in force.
 - Aggrieved by the above orders, Sri Barla Rosaiah S/o Peda Ramulu has filed appeal petition before the Addl. Agent to Government, Bhadrachalam. After due verification of the records, Addl. Agent to Government, Bhadrachalam observed as follows:
 - The main contention of the appellant is that the schedule land was acquired by his father under agreement of sale deed dt: 20-04-1968. He succeeded the property from his father. The Photostat copy of the alleged sale agreement is filed. But the accepted law is that the Photostat copy of alleged sale agreement is not admissible in evidence. Therefore the Hon'ble Supreme Court and High Court decisions are not applicable to this case.
 - The appellant has not filed any supported document to show his possession from the year of purchase which is relevant to show his possession prior to the commencement of regulation. As seen in the lower court order the appellant attended the court and he has only filed Photostat copy of sale deed and pahani extracts for the year 2003-04 which is not relevant for the purpose of the case.

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- The burden is on the Non-tribal appellant to prove his case and there is no necessity to examine the report of the Spl. Dy. Tahsildar in this case. As per the Land Transfer Regulation, the Non-Tribal who is in possession of the Scheduled land has to prove that his possession is not in contravention of the regulation 1/59 amended 1/70.
- The appellant in his appeal has shown 1&2 respondents, i.e., Sayed Akbar & Israr (Non-Tribal) as dead. It is not understand how appeal lies against the dead person and appellant clearly shown 1&2 respondents as dead. Against the dead person no appeal will lie. The appellant has not filed any death certificates in connection with death of the respondents 1 & 2, i.e., Sayed Akbar & Israr (Non-Tribal).
- In view of the above, Addl. Agent to Government, Bhadrachalam dismissed the appeal petition & directed the Tahsildar, Palvoncha to take over the possession of the suit scheduled land ejecting the persons who ever in possession under cover of Panchanama and assign the same to the eligible tribals as per norms in force.

4. Government, after examination of the Revision Petition, case records and written arguments of the Revision Petitioner have observed that the Revision Petitioner pleaded that his father has purchased agricultural land to an extent of Ac.2-10gts in Sy.No.290/vu and 290/ vuu from 1) Sri.Syed Akbar and 2) Syed Israr (both non-tribals) through sada sale deed Dt:20.04.1968 and he has been in continuous possession of the land and that the Spl.Dy.Collector, Bhadrachalam initiated LTR proceedings and issued ejectment orders against which he preferred an appeal before the Addl.Agent to Govt Bhadrachalam in CMA.No 99/2005 and the Addl.Agent to Govt Bhadrachalam dismissed his appeal on 22.09.2007 and aggrieved by the said orders he preferred the present Revision Petition.

5. The Revision Petitioner has produced a copy of sada sale deed / sale agreement stated to be executed by Sri. Syed Abrar and Syed Asrar. Their fathers name is also not recorded in the sale agreement further in the appeal the Revision Petitioner claimed that the land in question was sold by Syed Akbar and Syed Israr whereas the sale agreement is with different name viz. Syed Abrar. It leads to suspect the sale agreement. By virtue of sale agreement the Revision Petitioner cannot claim rights on a land located in schedule area. Further he is unable to produce Pahani Copies of continuous period from 1968-69 to the date of initiating the LTR proceeding. The cyst receipts are produced only for the years 2015 & 2016. It is not known as to why he has not produced the cyst receipts far earlier period. Ultimately he is unable to produce any additional documents other than those produced before the Addl.Agent to Govt, Bhadrachalam and Spl.Dy.Collector Bhadrachalam.

6. Government after careful examination of Revision Petition hereby agree with the observations of lower courts and here by dismiss the Revision Petition filed by Sri.Barla Rosaiah S/o Peda Ramulu R/o DanthalaBoru (v) and the orders of the Addl. Agent to Govt Bhadrachalam in CMA.No 99/2005 Dt:22.09.2007 are upheld.

7. The Project Officer, ITDA and Additional Agent to Government, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly. The case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SOMESH KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT

To

1) Sri Barla Rosaiah S/o Peda Ramulu (Non- Tribal) R/o Danthelabora Village, Palvancha Mandal, Bhadradi Kothagudem District.

2)The Project Officer, ITDA and Additional Agent to Government, Bhadrachalam, Bhadradi Kothagudem District(w.e.)

Copy to :

The Special Dy. Collector (TW), Bhadrachalam,

Bhadradi Kothagudem District for information and necessary action.

The Tahsildar, Palvoncha, Bhadradi Kothagudem District for necessary action.

P.S to Minister (TW)/P.S. to Prl.Secretary(TW)

SF/SC

//FORWARDED BY ORDER//

